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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,717	11/26/2003	Steve Postma	136851SV/YOD GEMS:0245	9773
7590 Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			EXAMINER LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/723,717

Applicant(s)

POSTMA, STEVE

Examiner

Julie Lieu

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2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-25, 27-31 and 35-39 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-7, and 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

- ✓ 1. This Office action is in response to Applicant's amendment filed <sup>Nov.</sup>~~July~~ 03, 2006. Claims 15 and 19 have been amended. Claims 32-39 have been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The indicated allowability of claims 1, 4, 6-7, and 26 is withdrawn in view of the newly discovered reference(s) to Mass et al. and Claude et al.. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

4. Claims 1-4, 6, 7, and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Mass et al. (US 20030135246 A1).

#### Claim 1:

Mass et al. (Claude) discloses an assembly for use with a medical device, comprising:

- a. a component 135 configured for operation with the medical device 125; and
- b. a radio frequency (RF) transmission device 130 coupleable to the component 135 and configured to transmit information regarding the component, wherein the component is configured to provide power to the RF transmission device (see [0049] and claim 24).

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Claim 2:

The RF transmission device is configured to transmit the information regarding the component in response to a command from the medical device.

Claim 3:

The RF transmission device transmits information about the component in response to a signal from the RF interrogator.

Claim 4:

The RF transmission device comprises a power source.

Claim 6:

Component 135 is configured for replacement in an operating environment.

Claim 7:

The RF transmission device transmits information about the component in response to a signal from the RF interrogator.

Claim 32:

The rejection of claim 32 recites the rejection of claim 1, except it is a method claim.

Claim 33:

The method disclosed in Mass et al.'s comprises communicating between the component 135 and the RF device 130.

Claim 34:

The method in Mass et al.'s comprises remotely communicating with the RF device over a network.

***Claim Rejections - 35 USC § 103***

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mass et al. (US 20030135246 A1) in view of Claude et al. (US Patent No. 5,562,621)

Claim 26:

Mass et al. discloses an assembly, thus, method comprising:

- a. activating an active radio frequency (RF) device 130; wherein activating comprises powering the active RF device from the component 105 of the medical device; and
- b. receiving the information regarding the component via a transmission from the RF device.

Mass fails to disclose that the information transmitted by the RF device 130 relates to at least one of maintenance, installation, and manufacture of the component of the medical device. However, this concept is old in the art as taught in Claude et al. wherein the manufacture data of a sensor within the medical component 19 is provided by the RF transmitter to the medical console device 14. In light of this teaching, one skilled in the art would have readily recognized applying this teaching in the Mass et al. system because it would provide maintenance information thus to prevent failure of the device due to its age.

***Allowable Subject Matter***

6. Claims 8-25, 27-31, and 35-39 allowed.

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***Remarks***

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu  
Primary Examiner  
Art Unit 2612

Jan 18, 07